

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES W. HECKMAN,
Plaintiff,

v.

DEPARTMENT OF THE INTERIOR DIRK
KEMPTHORNE, SECRETARY, et al,
Defendants.

Case No. C08-5239RBL

ORDER DENYING MOTION TO
APPOINT COUNSEL

THIS MATTER is before the Court on Plaintiff's Motion to Appoint Counsel [Dkt. #17]. Pursuant to 28 U.S.C. § 1915(e)(1), the Court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the Court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims *pro se* in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 The Court has reviewed the record in this case and finds that plaintiff has now shown that he is
2 likely to succeed on the merits of the case. Further, plaintiff is able to articulate his claims adequately.
3 Therefore, Plaintiff's Motion for Appointment of Counsel [Dkt. #17] is **DENIED**.

4 Dated this 25th day of February, 2010.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE
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